

FEDERAL REGISTER



VOLUME 24 1934 NUMBER 187

Washington, Thursday, September 24, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Coffee

On July 29, 1959, there was published in the FEDERAL REGISTER (24 F.R. 6055), under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice of rule making concerning an amendment of Subpart "Coffee" (7 CFR 319.73, 319.73-1 through 319.73-3). After due consideration of all relevant matter presented, and pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), the said Subpart "Coffee" is hereby amended to read as follows:

QUARANTINE

Sec. 319.73 Notice of quarantine.

REGULATIONS

319.73-1 Definitions.
319.73-2 Products prohibited importation.
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QUARANTINE

§ 319.73 Notice of quarantine.

Pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162,

150ee), and after the public hearing required thereunder, the Administrator of the Agricultural Research Service hereby determines that the unrestricted importation into Puerto Rico and Hawaii from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, (c) coffee plants and leaves, and (d) empty sacks previously used for unroasted coffee, may result in the entry into Puerto Rico and Hawaii of the coffee berry borer (*Stephanoderes hampei* Ferr. [S. coffeae Hgdn.]) and an injurious rust disease caused by the fungus *Hemileia vastatrix* B. and Br., and said Administrator hereby further determines, that, in order to prevent the introduction into Puerto Rico and Hawaii of said insect pest and coffee disease, which are new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into Puerto Rico and Hawaii of the products and plants specified above, except as permitted in the regulations supplemental hereto. Hereafter, the products and plants specified above shall not be imported or offered for entry into Puerto Rico and Hawaii from any foreign country or locality except as permitted by said regulations. However, whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of one or more of the products to which this subpart applies, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this

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SEMIANNUAL CFR SUPPLEMENT (As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

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part that are less stringent than those contained in the regulations.

REGULATIONS

§ 319.73-1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Division*. The Plant Quarantine Division, Agricultural Research Service of the Department.

(b) *Director*. The Director of the Plant Quarantine Division of the Agricultural Research Service of the Department, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Inspector*. Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(d) *Permit*. A form of authorization to allow the importation of certain products in accordance with the regulations in this subpart.

§ 319.73-2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico and Hawaii, except as provided in §§ 319.73-3 and 319.73-4.

§ 319.73-3 Conditions for importation of certain products into Puerto Rico.

(a) *Coffee samples*. Samples of unroasted coffee seeds and beans, not exceeding one pound in weight, may be imported into Puerto Rico under permit by mail, freight, express, or baggage. They shall be subject, on arrival, to inspection and fumigation or such other treatment as may be required by the inspector.

(b) *In-transit shipments*. In-transit shipments of unroasted coffee seeds and beans through Puerto Rico to foreign countries shall be subject to the Plant Safeguard Regulations (Part 352 of this chapter). The same restrictions shall apply to shipments of these products in transit through Puerto Rico to destinations elsewhere in the United States.

(c) *Empty sacks previously used for unroasted coffee*. Empty sacks previously used for unroasted coffee may be imported into Puerto Rico under permit subject to inspection by an inspector. If found to be contaminated with unroasted coffee seeds, beans, or berries, the sacks shall be immediately disinfected by the person in charge or possession of such sacks, under the supervision of an inspector and in the manner prescribed by him.

§ 319.73-4 Conditions for in-transit movement of certain products through Hawaii.

(a) *In-transit shipments through Hawaii* of samples of unroasted coffee seeds and beans in closed mail dispatches, destined to foreign countries or to destina-

tions elsewhere in the United States in compliance with this subpart, will be allowed to proceed without action by the inspector. Other samples of unroasted coffee seeds or beans received by mail in the post offices in Hawaii shall be subject to inspection and safeguard action by the inspector, who shall require their immediate return to origin or immediate forwarding to a destination elsewhere in the United States in compliance with this subpart. Such return or onward movement shall be in closed mail dispatches. If immediate action is not possible they shall be destroyed as a prohibited importation.

(b) Samples of unroasted coffee seeds or beans coming to Hawaii as cargo and not unloaded in Hawaii may be allowed to proceed to a foreign destination or to a destination elsewhere in the United States in compliance with this subpart. If the samples are transshipped in Hawaii, it shall be done immediately and the inspector shall see that the samples are properly wrapped or packaged to prevent pest escape and, if necessary, shall require the carrier to rewrap or package them to the inspector's satisfaction.

(c) Other mail, cargo and baggage shipments of products covered by § 319.73-2, arriving in Hawaii shall not be unloaded or transshipped in Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (Part 352 of this chapter).

§ 319.73-5 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

The purpose of this amendment is to include Hawaii in the notice of quarantine, which heretofore related exclusively to imports of unroasted coffee and related items into Puerto Rico. It prohibits importations into Hawaii of unroasted coffee seeds or beans, coffee berries or fruits, coffee plants and leaves, and empty sacks previously used for unroasted coffee. Permit and inspection requirements have been established as a condition for the importation into Puerto Rico of empty, used coffee sacks as a further safeguard against the entry of the coffee berry borer. The supplementary regulations also specify conditions for certain limited in-transit movement of coffee through Hawaii.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 160ee. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

This amendment shall become effective October 24, 1959.

Done at Washington, D.C., this 21st day of September 1959.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7999; Filed, Sept. 23, 1959; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 9—COLOR CERTIFICATION

Effective Date of Order With Respect to FD&C Red No. 1

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 16, 1959 (24 F.R. 5707), and the amendment promulgated by that order will become effective on October 13, 1959.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371. Interprets or applies secs. 406(b), 504, 604, 52 Stat. 1046, 1052; 21 U.S.C. 346(b), 364)

Dated: September 18, 1959.

[SEAL]

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-7968; Filed, Sept. 23, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 84]

PART 1613—REGISTRATION PROCEDURES

Accomplishment of Registration

The Selective Service Regulations are hereby amended as follows:

1. Paragraph (a) of § 1613.12 is amended to read as follows:

§ 1613.12 Instructions concerning completion of registration card.

(a) The registrar shall take extreme care that the place of residence of the registrant is correctly entered in item 2 of the Registration Card (SSS Form No. 1). The local board having jurisdiction over the place of residence entered in item 2 of the Registration Card (SSS Form No. 1) shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service. The registrar shall require the registrant to give sufficient information as to the location of the place of his residence to establish such place within the jurisdiction of a local board. The registrant shall not be permitted to give a place of residence outside of the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. In describing his place of residence, the registrant shall give the street number thereof, when used, and in every case he shall give the name of the town, township, village, or city, and the county and State in which

it is located. No R.F.D. route number shall be sufficient unless it is supplemented by more particular information showing where the place of residence is located on the R.F.D. route. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time.

2. Paragraph (b) of § 1613.43 is amended to read as follows:

§ 1613.43 Disposition of registration card of registrant whose place of residence is not within local board area.

(b) If the place of residence shown in item 2 of any Registration Card (SSS Form No. 1) is outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone, the local board in whose area the registrant registered shall retain such card.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943-1948 Comp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-7989; Filed, Sept. 23, 1959; 8:49 a.m.]

[Amdt. 85]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

Miscellaneous Amendments

Subparagraphs (2) and (4) of paragraph (d) of § 1690.16 of the Selective Service Regulations are amended to read as follows:

§ 1690.16 Appeal to appeal board.

(d) ***

(2) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located in one and the local board is located in another of the following: The continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

(4) Within 60 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460. Interpret or apply sec. 1 (13), 72 Stat. 1440; 10 U.S.C. 672; E.O. 9979, 13 F.R. 4177; 3 CFR, 1943-1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-7990; Filed, Sept. 23, 1959; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Miscellaneous Amendments

The following amendments are hereby made to Part 114, 45 CFR (23 F.R. 7291, September 19, 1958) issued pursuant to Public Law 815, 81st Congress (64 Stat. 967) as amended:

§ 114.3 [Amendment]

1. Section 114.3 is hereby amended by deleting paragraph (c) which deals with priority indices in cases where Federal activity is localized within an area served by one or more attendance centers.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

§ 114.5 [Amendment]

2. Section 114.5(a) dealing with criteria for waivers under section 5(e) of the act is hereby amended by (1) adding language in subparagraph (4) requiring a federal impact in the two-year increase period of 7 percent of the average daily membership in the base year when application is made for a waiver; (2) adding in subparagraph (5) "traffic, or climatic conditions," to the reasons relative to the impracticability of transporting students to other schools in the district and substituting the word "existing" for the word "available"; and (3) making other revisions of a technical nature. Section 114.5(a) as so amended, reads as follows:

(a) The Commissioner's authority in section 5(e) of the act to waive or reduce the percentage requirement or requirements in section 5(c), to waive the requirement contained in the first sentence of subsection 5(d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless the conditions set forth in subparagraphs (1) through (5) inclusive, of this paragraph, or in subparagraph (6) of this paragraph are met:

(1) The applicant meets all conditions of eligibility under the act other than section 14 thereof or, on the basis of

the authorized waiver or reduction of one or more of the requirements, would meet such conditions.

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that if such a request is granted in whole or in part in computing maximum payment under the act, only membership of children within the federally impacted attendance area shall be considered.

(3) The applicant has two or more attendance centers, and its jurisdictional area is county-wide or is sufficiently extensive as to be reasonably analogous to a county-wide school system.

(4) There has been an unusually large Federal impact in the two-year increase period for which the application is made equal to at least 7 percent of the average daily membership in the base year in an attendance area affecting one or more attendance centers located in an isolated or remote part of the school district.

(5) It would not be practicable to transport students in the federally impacted attendance area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons.

(6) The Commissioner of Education determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of the act.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

§ 114.6 [Amendment]

3. Paragraph (c) of § 114.6 is hereby amended by substituting the word "existing" for "available," and adding the words "traffic, or climatic conditions," after the word "topography," in order to conform this portion of the criteria for a waiver pursuant to section 14(a) of the act to the corresponding portion of the criteria for a waiver pursuant to section 5(e) of the act. Paragraph (c) of § 114.6, as amended, reads as follows:

(c) Either (1) the applicant's jurisdictional area is country-wide or is sufficiently extensive as to be analogous to a country-wide school system; there has been a concentration of children residing on Indian lands located in a remote or isolated area; and it would not be practicable to transport such children from the remote or isolated area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons; or (2) there are other exceptional circumstances which require a waiver to avoid inequity and to avoid defeating the purpose of section 14.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

4. Subpart B of Part 114 is hereby amended by adding a new § 114.22 in order to establish a first deadline date for filing applications with respect to

funds available during the fiscal year 1960. The new section reads as follows:

§ 114.22 First deadline for applications with respect to funds available during fiscal year 1960.

For the purposes of sections 3 and 14 of the Act, November 16, 1959, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

Dated: September 16, 1959.

[SEAL] L. G. DERTHICK,
United States Commissioner
of Education.

Approved: September 18, 1959.

BERTHA S. ADKINS,
Acting Secretary of Health,
Education, and Welfare.

[F.R. Doc. 59-7989; Filed, Sept. 23, 1959;
8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1982]

[Anchorage 048797]

ALASKA

Withdrawing Land for Use of Department of the Army as Dillingham National Guard Armory Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved under the jurisdiction of the Department of the Army for use as an armory site:

Beginning at a point on the east line of U.S. Survey No. 2262, which point is 250 feet N. 0°06' E. of Corner No. 18 of U.S. Survey No. 2732 A and B; thence
N. 89°54' W., 148 feet;
N. 0°06' E., 120 feet;
S. 89°54' E., 148 feet to the east line of U.S. Survey No. 2262;
S. 0°06' W., 120 feet along said east line to the point of beginning.

The tract described contains 0.41 acre.

ROSS LEFFLER,
Acting Secretary of the Interior.

SEPTEMBER 17, 1959.

[F.R. Doc. 59-7970; Filed, Sept. 23, 1959;
8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-40]

PART 196—INSPECTION AND MAINTENANCE

PART 198—TRANSPORTATION OF MIGRANT WORKERS

Motor Vehicles Declared "Out of Service"

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of September A.D. 1959.

The matter of inspection and maintenance of motor vehicles under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration, and

It appearing that §§ 196.5 and 198.8 of the Motor Carrier Safety Regulations, § 198.8 having been promulgated on July 17, 1959, to become effective on September 1, 1959 (24 F.R. 6243), require employees of this Commission to be specifically authorized to declare and mark "out of service" any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown;

It further appearing that in lieu of the requirement for authorization of the specific employee to take such action it is desirable that classes of employees be so authorized; and

It further appearing that the authorization of employees covered by this order is a rule of agency procedure, and that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice of proposed rule making is unnecessary;

It is ordered, That, without in any way altering the forms therein, the text of § 196.5 *Motor vehicles declared "out of service"* of the Motor Carrier Safety Regulations, as amended (49 CFR 196.5), be, and it is hereby, revised to read as follows:

§ 196.5 Motor vehicles declared "out of service."

No motor carrier shall permit or require a driver to drive nor shall any driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown and which motor vehicle, because of such condition, has been declared and marked "out of service" with the prescribed sticker by an authorized employee of this Commission. Such motor vehicle shall not be operated until the repairs required by the "out of service notice" on Form BMC 63 have been satisfactorily completed and the "out of service" sticker removed. No person shall remove

the "out of service" sticker from such motor vehicle prior to the completion of the required repairs. When the repairs have been made, the carrier shall so certify to the Commission on Form BMC 63, in accordance with the terms prescribed thereon. The term "an authorized employee of this Commission" means the chief and assistant chief of the Section of Field Service and the Section of Motor Carrier Safety, and all safety supervisors, district supervisors, rate agents, and safety inspectors employed in the Bureau of Motor Carriers.

It is further ordered, That, without in any way altering the forms therein, the text of § 198.8 *Motor vehicles declared "out of service"* of the Motor Carrier Safety Regulations, as amended (49 CFR 198.8), be, and it is hereby, revised to read as follows:

§ 198.8 Motor vehicles declared "out of service."

No motor carrier shall permit or require a driver to drive nor shall any driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown and which motor vehicle, because of such condition, has been declared and marked "out of service" with the prescribed sticker by an authorized employee of this Commission. Such motor vehicle shall not be operated until the repairs required by the "out of service notice" on Form BMC 63 have been satisfactorily completed and the "out of service" sticker removed. No person shall remove the "out of service" sticker from such motor vehicle prior to the completion of the required repairs. When the repairs have been made, the carrier shall so certify to this Commission on Form BMC 63, in accordance with the terms prescribed thereon. The term "an authorized employee of this Commission" means the chief and assistant chief of the Section of Field Service and the Section of Motor Carrier Safety, and all safety supervisors, district supervisors, rate agents, and safety inspectors employed in the Bureau of Motor Carriers.

It is further ordered, That this order shall be effective September 15, 1959, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7981; Filed, Sept. 23, 1959;
8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T.P., Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DANA LATHAM,

Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 5 of the Technical Amendments Act of 1958 (72 Stat. 1608), such regulations are amended as follows:

PARAGRAPH 1. Section 1.162 is amended:

(A) By redesignating section 162(c) as section 162(d) and adding after section 162(b) the following new subsection:

(c) *Improper payments to officials or employees of foreign countries.* No deduction shall be allowed under subsection (a) for any expenses paid or incurred if the payment thereof is made, directly or indirectly, to an official or employee of a foreign country, and if the making of the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee.

(B) By adding the following historical note after section 162:

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608)]

PAR. 2. There is inserted immediately after § 1.162-17 the following new section:

§ 1.162-18 *Improper payments to officials or employees of foreign countries.*

(a) *In general.* No deduction shall be allowed under section 162(a) for any expenses paid or incurred after September 2, 1958—

(1) If the payment of the expenses is made, whether directly or indirectly, to an official or employee of a foreign country, and

(2) If the making of the payment would be unlawful under the laws of the United States (if such laws were applicable to the payment and to the official or employee at the time the expenses were paid or incurred). Lawfulness or unlawfulness of the payment under the laws of the foreign country is immaterial. Similarly, the place where the expenses are paid or incurred is immaterial. No deduction shall be allowed for an accrued expense, if the eventual payment thereof would fall within the prohibition of this section.

(b) *Indirect payment.* For purposes of this section, an indirect payment to an individual shall include any payment which inures to his benefit or is promotional of his interests, regardless of the medium in which the payment is made and regardless of the identity of the immediate recipient. Thus, payment made to an agent or even directly into the general treasury of the country of which the beneficiary is an official or employee may be treated as an indirect payment to the official or employee, if in fact such payment inures or will inure to his benefit or is or will be promotional of his interests.

(c) *Official or employee; foreign country.* Any individual officially connected with the government of a foreign country, in whatever capacity, whether on a permanent or temporary basis and whether or not serving for compensation, shall be included within the terms "official or employee", regardless of the place of residence or post of duty of such individual. An independent contractor would not ordinarily be considered to be an official or employee. For purposes of this section, the term "foreign country" shall include any foreign nation, or political subdivision thereof, or any corporation or other entity serving as an instrumentality of such foreign country. Whether such nation has been accorded diplomatic recognition by the United States shall not be taken into account. Any individual or individuals who purport to be a government of a foreign nation shall be treated under this section as a foreign country, whether or not such individual or group of individuals in fact controls such foreign nation, and whether or not such individual or group is accorded diplomatic recognition. Accordingly, a group in rebellion against an established government shall be treated as a foreign country as shall the

government against which the group is in rebellion.

(d) *Laws of the United States.* The term "laws of the United States", to which reference is made in paragraph (a) of this section, shall be deemed to include only Federal statutes, and legislative and interpretative regulations thereunder. The term shall also be limited to statutes which prohibit some act or acts, for the violation of which there is a civil or criminal penalty. A deduction shall not be disallowed under section 162(c) and this section for a payment which contravenes a governmentally declared public policy of the United States, unless payment would be in violation of the laws of the United States, if such laws were applicable. However, a deduction may be disallowed because its allowance would frustrate such governmentally declared policy without regard to section 162(c) or this section.

[F.R. Doc. 59-7992; Filed, Sept. 23, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 36]

[Bureau of Mines Schedule 31]

MOBILE DIESEL-POWERED EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 2, 37 Stat. 681, 30 U.S.C. 3; it is proposed to issue regulations as Part 36 of Title 30, Code of Federal Regulations, to govern the testing and approval of mobile diesel-powered equipment as permissible for use in gassy noncoal mines and tunnels.

Interested persons may submit, in triplicate, written comments, suggestions or objections with respect to the proposed regulations to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director.

Approved: September 18, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 36 of Title 30 would read as follows:

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36.48 Tests of surface temperature of engine and components of the cooling system.
36.49 Tests of exhaust-gas dilution system.
36.50 Tests of fuel tank.
36.51 Inspection and tests of headlight units.

AUTHORITY: §§ 36.1 to 36.51 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 36.1 Purpose.

The regulations in this part set forth the requirements for mobile diesel-powered equipment to procure their approval and certification as permissible for use in gassy noncoal mines and tunnels; procedures for applying for such certification; and fees.

§ 36.2 Definitions.

As used in this part:

(a) "Permissible", as applied to mobile diesel-powered equipment, means that the complete assembly conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the complete assembly has met the requirements of this part for mobile diesel-powered equipment and authorizing the use and attachment of an official approval plate so indicating.

(d) "Applicant" means an individual, partnership, company, corporation, association, or other organization, that designs, manufactures, or assembles, and that seeks a certificate of approval or preliminary testing of mobile diesel-powered equipment for use in gassy noncoal mines and tunnels.

(e) "Noncoal mine" means an underground mine or tunnel in which the product being mined or excavated is incombustible.

(f) "Gassy noncoal mine" means a noncoal mine or tunnel in which flammable gas has been ignited, or the atmosphere of which, in any open workings, contains 0.25 percent or more by volume of such gas.

(g) "Mobile diesel-powered equipment" means equipment that is mounted on wheels or "caterpillar" treads (tracks) and whose motive power is supplied by a diesel engine.

(h) "Diesel engine" means a compression-ignition, internal-combustion engine that utilizes a low-volatile hydrocarbon (diesel) fuel.

(i) "Low-volatile hydrocarbon (diesel) fuel" means a liquid fuel which has an open-cup flash point of 140° F. or more and a sulfur content of 0.5 percent or less by weight.

(j) "Component" means a piece, part, or fixture of mobile diesel-powered equipment that is essential to its operation as a permissible assembly.

(k) "Subassembly" means a group or combination of components.

(l) "Explosion proof" means that a component or subassembly is so constructed and protected by an enclosure and/or flame arrester(s) that if a flammable mixture of gas is ignited within the enclosure it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.

(m) "Flammable mixture" means a mixture of gas, such as methane, natural gas, or similar hydrocarbon gas with normal air, that will propagate flame or explode violently when initiated by an incandescence source.

(n) "Flame arrester" means a device so constructed that flame or sparks from the diesel engine cannot propagate an explosion of a flammable mixture through it.

(o) "Normal operation" means that each component and the entire assembly of the mobile diesel-powered equipment performs the functions for which they were designed.

(p) "Fuel-air ratio" means the composition of the mixture of fuel and air in the combustion chamber of the diesel engine expressed as weight—pound of fuel per pound of air.

§ 36.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed mobile diesel-powered equipment to be submitted in accordance with

the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 36.4 Mobile diesel-powered equipment for which certificates of approval may be granted.

Certificates of approval will be granted for completely assembled mobile diesel-powered equipment only. Subassemblies or components may be granted letters of certification in accordance with § 36.5 of this part.

§ 36.5 Letters of certification.

When a component or subassembly meets all of the applicable requirements of Subparts B and C of this part, the Bureau will issue to the applicant, upon his request, a letter of certification informing him that additional inspection or tests of the component or subassembly will not be required when it is incorporated without modification in a piece of completely assembled diesel-powered equipment. The applicant may cite this letter of certification to another applicant who seeks approval and certification of his completely assembled mobile diesel-powered equipment and who desires to incorporate the component or subassembly in such equipment.

§ 36.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all drawings, specifications, descriptions, and related materials. The application and all related matters and correspondence concerning it shall be addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully the complete assembly, components, and subassemblies. Drawings, specifications, and descriptions shall include:

(1) Assembly drawing(s) showing the overall dimensions of the equipment, location and capacity of the fuel tank, location of flame arresters, exhaust-gas conditioner and its water-supply tank, if applicable, exhaust-gas dilution system, and other details that are essential to the functioning of the equipment.

(2) Detailed drawings showing the intake, combustion, and exhaust systems of the diesel engine, including joints and gaskets; the turbulence or precombustion chamber, if applicable; injector assembly and nozzle details; and any surfaces that form the combustion chamber or part thereof, such as the cylinder head, piston and cylinder liner; and other features that may affect permissibility, such as exhaust-gas conditioner and flame arresters.

(3) A schematic drawing of the fuel system showing piping, connections, fuel filters, fuel-injection pump, and mechanical governor assembly. All components shall be identified to permit adjust-

ment, as necessary, and the location of seals or locks to prevent tampering shall be indicated.

(4) Drawing(s) specifying the kind of material and detailed dimensions of the components of explosion-proof enclosures, including joints.

(5) Drawing(s) showing the construction of headlights, battery boxes, including seals or locks, and method of mounting.

(6) Other drawings, specifications, or descriptions identifying any feature that the Bureau considers necessary for certification of the particular mobile diesel-powered equipment.

(c) Shipment of the mobile diesel-powered equipment or component part or subassembly, as the case may be, shall be deferred until the Bureau has notified the applicant that the application will be accepted. Shipping instructions will be issued by the Bureau and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by the Bureau, the applicant shall remove his equipment promptly from the test site (see § 36.40).

(d) The application shall state that the equipment is completely developed and of the design and materials that the applicant believes to be suitable for a finished marketable product or is a completely developed component or subassembly suitable for incorporation in a finished marketable complete assembly of mobile diesel-powered equipment.

(e) For a complete investigation leading to approval and certification, the applicant shall furnish a complete assembly for inspecting and testing. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation of the equipment during test periods. If special tools are necessary to disassemble any component for inspection or test, the applicant shall furnish these with the equipment to be tested.

(f) With each application, the applicant shall submit evidence of how he proposes to inspect his completely assembled mobile diesel-powered equipment at the place of manufacture or assembly before shipment to purchasers. Ordinarily such inspection is recorded on a factory inspection form and the applicant shall furnish to the Bureau a copy of his factory inspection form or equivalent with his application. The form shall direct attention to the points that must be checked to make certain that all components of the assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(g) With the application, the applicant shall furnish to the Bureau complete instructions for operating and servicing his equipment. After completing the Bureau's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 36.7 Fees for investigation.

(a)

- | | |
|--|---------|
| 1. Preliminary review of drawings, specifications, descriptions, and related data, each complete assembly----- | \$30.00 |
| 2. Complete tests to determine composition of exhaust gas from diesel engine under various load and speed conditions----- | \$20.00 |
| 3. Tests to determine the effectiveness of air intake or exhaust flame arrester in an intake or exhaust system----- | 110.00 |
| 4. Check tests on redesigned components or equipment in item 3 above requiring less than 20 tests----- | 55.00 |
| 5. Complete inspection of an intake or exhaust flame arrester----- | 30.00 |
| 6. Complete inspection of manifolds, exhaust conditioners, and other components that comprise the intake and exhaust systems----- | 40.00 |
| 7. Complete investigation of headlight, storage-battery type --- | 225.00 |
| 8. Complete investigation of headlight, dry-cell type----- | 85.00 |
| 9. Tests to determine the cooling efficiency of an exhaust conditioner and rate of water consumption----- | 40.00 |
| 10. Each final inspection of completely assembled equipment--- | 80.00 |
| 11. Tests of exhaust gas dilution not made concurrently with final inspection of completely assembled equipment----- | 50.00 |
| 12. Final examination and recording of drawings and specifications requisite to the issuance of a certificate of approval----- | 40.00 |
| 13. Examining and recording drawings and specifications requisite to the issuance of an extension of certification, each 4 hours or fraction thereof---- | 15.00 |
| 14. Final examination and recording of drawings and specifications requisite to the issuance of a letter of certification----- | 25.00 |
| 15. Tests conducted in the field shall require the same fee as when conducted on the Bureau's premises. In addition the applicant shall reimburse the Bureau for such travel, subsistence, and incidental expenses as may be required by its representative(s) in accordance with the allowances stated in the standard "Government Travel Regulations." | |

¹ Fee for partial tests shall be in proportion to the work done but the minimum shall be \$100.00. If the applicant requests discontinuation of the investigation after preparations for engine tests have begun the minimum fee shall be \$100.00 regardless of the progress of the tests.

(b) If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided, upon request, addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing. The surplus from any fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation.

§ 36.8 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a complete assembly, or component, or subassembly fails to meet any of the requirements, it shall lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such test work as may be in progress.

§ 36.9 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or a letter of certification, as the case may require, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved mobile diesel-powered equipment for gassy noncoal mines and tunnels as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating equipment during the tests.

§ 36.10 Certificate of approval.

(a) Upon completion of investigation of a complete assembly of mobile diesel-powered equipment, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on mobile diesel-powered equipment upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of equipment upon which the certificate of approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment which has received a certificate of approval, and these are to be adhered to exactly in production of the certified equipment.

(c) A certificate of approval will be accompanied by an appropriate caution

statement specifying the conditions to be observed for operating and maintaining the equipment and to preserve its permissible status.

§ 36.11 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of an approval plate, bearing the seal of the Bureau of Mines and spaces for the approval number, the type, the serial number, and ventilation requirement; the name of the complete assembly; and the name of the applicant.

(b) The applicant shall reproduce the design as a separate plate, which shall be attached, in a suitable place, on each complete assembly to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the Bureau's approval. The method of affixing the approval plate shall not impair the permissibility (explosion-proof) features of the complete assembly of mobile diesel-powered equipment.

(c) The approval plate identifies the equipment, to which it is attached, as permissible and is the applicant's guarantee that the equipment complies with the requirements of this part. Without an approval plate no equipment is considered permissible under the provisions of this part.

(d) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain the quality of each complete assembly bearing it and guarantees that it is manufactured and assembled according to the drawings, specifications, and descriptions upon which a certificate of approval was based.

§ 36.12 Changes after certification.

If an applicant desires to change any feature of certified equipment, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified equipment or component or subassembly will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the equipment. The Bureau will inform the applicant whether such testing is required; the component, subassembly, and related material to be submitted for that purpose, and the fee.

(c) If the proposed modification meets the requirements of this part, and Part 18 of Subchapter D (Schedule 2, revised, the latest revision of which is Schedule 2F) with respect to flanged joints and tolerances, if applicable, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 36.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certificate of approval granted under this part.

Subpart B—Construction and Design Requirements

§ 36.20 Quality of material, workmanship, and design.

The Bureau will test only equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of subassemblies or components and tests thereof to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

§ 36.21 Engine for equipment considered for certification.

Only equipment powered by a compression-ignition (diesel) engine and burning diesel fuel (see § 36.2(i)) will be considered for approval and certification. The starting mechanism shall be actuated pneumatically, hydraulically, or by other methods acceptable to the Bureau. Electric starting shall not be accepted. Engines burning other fuels or utilizing volatile fuel starting aids will not be investigated.

§ 36.22 Fuel-injection system.

This system shall be so constructed that the quantity of fuel injected can be controlled at a desired maximum value and shall be so arranged that this adjustment can be changed only after breaking a seal or unlocking a compartment. Provision shall be made for convenient adjustment of the maximum fuel-injection rate to that required for safe operation at different altitudes (elevations above sea level). The governor, controlling engine speed and fuel injection, shall not affect airflow to the engine and provision shall be made to seal or lock its adjustment control. Filters shall be provided to insure that only clean fuel will reach the injection pump or injectors.

§ 36.23 Engine intake system.

(a) *Construction.* The intake system (exclusive of the air cleaner) shall withstand an internal minimum pressure of 125 pounds per square inch, or such internal pressure as will be developed therein in explosion tests with flammable mixtures, whichever is greater. Joints in the intake system shall be formed by metal flanges fitted with metal or metal-clad gaskets, positively positioned by through bolts or other suitable means for secure assembly, or shall meet the requirements for flanged metal-to-metal flame-proof joints as required in Part 18 of Subchapter D. Either type of joint shall withstand repeated explosions within the intake system without permanent deformation and shall prevent the propagation of flame through the joint into a surrounding flammable mixture.

(b) *Intake flame arrester.* (1) The intake system shall include a flame arrester that will prevent an explosion within the system from propagating to a surrounding flammable mixture. This flame arrester shall be between the air cleaner and the intake manifold and shall be attached so that it may be removed for inspecting, cleaning, or repairing. Its construction shall be such that it may be cleaned readily. The flame arrester shall be of rugged construction to withstand the effects of repeated explosions within the intake system, and the material of construction shall resist deterioration in service. It shall be so mounted in the equipment assembly that it is protected from accidental external damage.

(2) The parts of any flame arrester shall be positively positioned to produce a flame path that will arrest the propagation of an explosion and shall be so designed that improper assembly is impossible. In flame arresters of the spaced-plate type, the thickness of the plates shall be at least 0.125 inch; spacing between the plates shall not exceed 0.018 inch; and the plates forming the flame path shall be at least 1 inch wide. The unsupported length of the plates shall be short enough that deformation during the explosion tests shall not exceed 0.002 inch. Corrosion-resistant metal shall be used to construct flame arresters.

(c) *Air shutoff valve.* The intake system shall include a valve, operable from the operator's compartment, to shut off the air supply to the engine. This valve shall be constructed to permit its operation only after the fuel supply to the engine is shut off. In reverse operation the valve must open fully before fuel can be supplied to the engine.

(d) *Air cleaner.* An air cleaner shall be included in the engine intake system and so arranged that only clean air will enter the flame arrester. The resistance to airflow shall not increase rapidly in dusty atmospheres. Only filters of the self-cleansing (oil-bath) type will be considered satisfactory for this application. Provision, satisfactory to the Bureau, shall be made to prevent overfilling the oil-bath air cleaner.

(e) *Vacuum-gage connection.* A connection shall be provided in the intake system for temporary attachment of a vacuum gage to indicate the pressure drop under flow conditions. This opening shall be closed by a plug or other suitable device that is sealed or locked in place except when a gage is attached.

§ 36.24 Engine joints.

(a) *Cylinder head.* The joint between the cylinder head and block of the engine shall be fitted with a metal or metal-clad gasket satisfactory to the Bureau held securely in position by through bolts or other suitable means to prevent a change in alignment. This joint shall provide an adequate flame barrier with the gasket in place.

(b) *Valve guides.* Valve guides shall be long enough to form an adequate flame barrier along the valve stem.

(c) *Gaskets.* All metal or metal-clad gaskets shall maintain their tightness during repeated explosions within the

engine and its intake and exhaust systems to prevent the propagation of flame.

§ 36.25 Engine exhaust system.

(a) *Construction.* The exhaust system of the engine shall be of such construction that it will withstand internal pressures of 125 pounds per square inch, or such internal pressures as may be developed within it in explosion tests with flammable mixtures, whichever pressure is greater. The system shall withstand repeated internal explosions without permanent deformation or deterioration.

(b) *Exhaust flame arrester.* (1) The exhaust system of the engine shall be provided with a flame arrester to prevent propagation of flame or discharge of heated particles to a surrounding flammable mixture. The flame arrester shall be so positioned that only cooled exhaust gas will discharge through it and shall be so designed and attached that it can be removed for inspecting, cleaning, or repairing. Its construction shall be such that it can be cleaned readily. The flame arrester shall be of rugged construction to withstand the effects of repeated explosions within the exhaust system, and the material of construction shall resist deterioration in service. It shall be so mounted in the equipment assembly that it is protected from accidental external damage.

(2) A spaced-plate flame arrester for the exhaust system shall meet the same requirements as flame arresters for the intake system (see § 36.23(b)(2)).

(3) In lieu of a spaced-plate flame arrester, an exhaust-gas cooling box or conditioner may be used as the exhaust flame arrester provided that explosion tests demonstrate that the cooling box will arrest flame. When used as a flame arrester the cooling box shall be equipped with a device to shut off the fuel supply to the engine at a safe minimum water level. A cooling box used as a flame arrester shall withstand repeated explosion tests without permanent deformation. It shall be constructed of material, satisfactory to the Bureau, that will resist deterioration in service.

(c) *Exhaust cooling system.* (1) A cooling system shall be provided for the engine exhaust gas. The heat-dissipation capacity shall be capable of reducing the temperature of the undiluted exhaust gas to less than 170° F. at the point of discharge from the cooling system under any condition of engine operation acceptable to the Bureau. A device shall be provided that will automatically shut off the fuel supply to the engine immediately if the temperature of the exhaust gas exceeds 185° F. at the point of discharge from the cooling system. Provision shall be made, acceptable to the Bureau, to prevent restarting the engine after the fuel supply has been shut off automatically until the water supply in the cooling box, which is used as a flame arrester, has been replenished.

(2) Cooling shall be obtained by passing the exhaust gas through water or a dilute aqueous chemical solution held in a cooling box or conditioner, or by a spray of water or a dilute aqueous chemical solution that will enter the exhaust

system near the outlet of the exhaust manifold, or a combination of the two methods. When a spray is used it shall be provided with a filtering device to protect the nozzle from clogging. Provisions shall be made for draining and cleaning all parts of the exhaust cooling system. Openings for draining and cleaning shall be closed and sealed or locked by a method satisfactory to the Bureau.

(3) The cooling system shall be constructed of corrosion-resistant metal suitable for the intended application.

(4) The cooling system shall store enough water or aqueous solution to permit operation of the engine at one-third load factor for eight hours. The minimum quantity of usable water or aqueous solution available for cooling shall equal the consumption for one hour with the engine operating at maximum load and speed multiplied by 8 and this product divided by 3.

(d) *Surface temperature of engine and exhaust system.* (1) The temperature of any external surface of the engine or exhaust system shall not exceed 400° F. under any condition of engine operation prescribed by the Bureau. Water-jacketed components shall have integral jackets and provision shall be made for positive circulation of water in the jackets and to automatically shut off the engine when water in the cooling jacket(s) exceeds 212° F. Insulated coverings to control surface temperature are not acceptable.

(2) When a spray is used to reduce the temperature of the exhaust gas, it shall be located as near as practicable to the outlet of the exhaust manifold.

(3) Exterior surfaces of the exhaust system shall be designed to minimize accumulation and lodgement of dust or combustible substances and to permit ready access for cleaning.

(e) *Tightness of exhaust system.* All joints in the exhaust system shall be tight to prevent the flow of exhaust gas through them under any condition of engine operation prescribed by the Bureau. A tight system shall be obtained by the use of ground joints, or thin metal or metal-clad gaskets. All such joints shall be fitted with adequate through bolts and all gaskets shall be aligned and held firmly in position by the bolts or other suitable means. Such joints shall remain tight to prevent passage of flame or propagation of repeated internal explosions to a surrounding flammable mixture.

(f) *Dilution of exhaust gas.* (1) Provision shall be made to dilute the exhaust gas with air before it is discharged into the surrounding atmosphere. The discharged exhaust gas shall be so diluted with air that the mixture shall not contain more than 0.5 percent, by volume, of carbon dioxide; 0.01 percent, by volume, of carbon monoxide; 0.0025 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide); or 0.0010 percent, by volume, of aldehydes (calculated as equivalent formaldehyde) under any condition of engine operation prescribed by the Bureau.

(2) The final diluted exhaust mixture shall be discharged in such a manner

that it is directed away from the operator's compartment and also away from the breathing zones of persons required to be alongside the equipment.

(g) *Temperature indicator.* A temperature-indicating device shall be provided in the exhaust system to show the temperature of the undiluted exhaust gas after final cooling. The indicating portion of this device shall be so located that it can be readily seen by the operator.

(h) *Pressure-gage connection.* A connection shall be provided in the exhaust system for convenient, temporary attachment of a pressure gage at a point suitable for measuring the total back pressure in the system. The connection also shall be suitable for temporary attachment of gas-sampling equipment to the exhaust system. This opening shall be closed by a plug or other suitable device that is sealed or locked in place except when a gage or sampling tube is attached.

§ 36.26 Composition of exhaust gas.

(a) *Preliminary engine adjustment.* The engine shall be submitted to the Bureau by the applicant in such condition that it can be tested immediately at full load and speed. The preliminary liquid-fuel-injection rate shall be such that the exhaust will not contain black smoke and the applicant shall adjust the injection rate promptly to correct any adverse conditions disclosed by preliminary tests.

(b) *Final engine adjustment.* The liquid fuel supply to the engine shall be adjusted so that the undiluted exhaust gas shall contain not more than 0.30 percent, by volume, of carbon monoxide under any conditions of engine operation prescribed by the Bureau when the intake air mixture to the engine contains 1.5±0.1 percent, by volume, of Pittsburgh natural gas.²

(c) *Coupling or adapter.* The applicant shall provide the coupling or adapter for connecting the engine to the Bureau's dynamometer.

NOTE: Preferably this coupling or adapter should be attached to the flywheel of the engine.

Clutches, transmissions, or torque converters are not required in the coupling train.

§ 36.27 Fuel-supply system.

(a) *Fuel tank.* (1) The fuel tank shall not leak and shall be fabricated of metal at least 1/16 inch thick, welded at all seams, except that tanks of 5 gallons or less capacity may have thinner walls which shall be preformed or reinforced to provide good resistance to deflection. A drain plug (not a valve or petcock) shall be provided and locked in position. A vent opening shall be provided in the fuel filler cap of such design that atmospheric pressure is maintained inside the tank. The size of the vent opening shall be restricted to prevent fuel from splashing through it. The

²Investigation has shown that for practical purposes, Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

filler opening shall be so arranged that fuel can be added only through a self-closing valve at least 1 foot from the exhaust manifold of the engine, preferably below it. The self-closing valve shall constitute a fuel-tight closure when fuel is not being added. Any part of the self-closing valve that might become detached during the addition of fuel shall be secured to the tank by a chain or other fastening to prevent loss.

(2) The fuel tank shall have a definite position in the equipment assembly, and no provision shall be made for attachment of separate or auxiliary fuel tanks.

(3) Capacity of the fuel tank shall not exceed the amount of fuel necessary to operate the engine continuously at full load for four hours.

(b) *Fuel lines.* All fuel lines shall be installed to protect them against damage in ordinary use and they shall be designed, fabricated, and secured to resist breakage from vibration.

(c) *Valve in fuel line.* A shutoff valve shall be provided in the fuel system, acceptable to the Bureau, so that the engine may be stopped in an emergency by the operator. This valve shall be in addition to the normal shutoff provided in the fuel-injection system.

§ 36.28 Signal or warning device.

All equipment shall be provided with a bell, horn, or other suitable warning device convenient to the operator. Warning devices shall be operated manually or pneumatically.

§ 36.29 Brakes.

All mobile diesel-powered equipment shall be equipped with adequate brakes acceptable to the Bureau.

§ 36.30 Rerailing device.

All mobile diesel-powered equipment designed to travel on rails in haulage service shall carry a suitable rerailing device.

§ 36.31 Fire extinguisher.

Each mobile diesel-powered machine shall be fitted with a fire extinguisher carried in a location easily accessible to the operator and protected by position from external damage. Liquid carbon dioxide extinguishers shall contain an active charge of not less than 4 pounds. Pressurized dry chemical extinguishers shall contain an active charge of not less than 2½ pounds.

§ 36.32 Restriction of electrical components.

Mobile diesel-powered equipment for gassy noncoal mines and tunnels will not be investigated for approval and certification unless the electrical components of the equipment are restricted to headlight units, as hereinafter described in § 36.33.

§ 36.33 Headlights units.

(a) A headlight and its source of electrical energy shall be constructed as a unit. The component parts of a headlight unit shall be locked or sealed by a device, acceptable to the Bureau, so that in normal use the parts are inseparable.

(b) A headlight and its source of energy shall conform to the applicable re-

quirements of Part 20 of Subchapter D (Schedule 10, revised, the latest revision of which is Schedule 10C) pertaining to Class 1 lamps or is constructed with equivalent safeguards that are acceptable to the Bureau.

(c) The headlight unit shall be so mounted on mobile diesel-powered equipment that it is in a fixed position and protected from external damage by recessing in the equipment frame or otherwise guarded in a manner acceptable to the Bureau.

(d) At least one headlight unit shall be provided on the front and rear of each piece of mobile diesel-powered equipment.

Subpart C—Test Requirements

§ 36.40 Test site.

Tests shall be conducted at the Bureau's Diesel Testing Laboratory, Bruce-ton, Pennsylvania, or other appropriate place(s) determined by the Bureau.

§ 36.41 Testing methods.

Mobile diesel-powered equipment submitted for certification and approval shall be tested to determine its combustion, explosion-proof, and other safety characteristics. The Bureau shall prescribe the tests and reserves the right to modify the procedure(s) to attain these objectives (see § 36.20).

§ 36.42 Inspection.

A detailed inspection shall be made of the equipment and all components and features related to safety in operation. The inspection shall include:

(a) Investigating the materials, workmanship, and design to determine their adequacy.

(b) Checking the parts and assemblies against the drawings and specifications with respect to materials, dimensions, and locations to verify their conformance.

(c) Inspecting and measuring joints, flanges, and other possible flame paths in the intake and exhaust systems to determine whether they will prevent the issuance of flame or propagation of an internal explosion.

(d) Inspecting, and measuring flame arresters to determine whether they will prevent the issuance of flame or propagation of an internal explosion.

§ 36.43 Determination of exhaust-gas composition.

(a) Samples shall be taken to determine the composition of the exhaust gas while the engine is operated at loads and speeds prescribed by the Bureau to determine the volume of air (ventilation) required to dilute the exhaust gas (see § 36.45). The engine shall be at temperature equilibrium before exhaust-gas samples are collected or other test data are observed. At all test conditions the intake mixture shall contain 1.5 ± 0.1 percent, by volume, of Pittsburgh natural gas (see footnote 2) in air. Test observations shall include the rate of fuel consumption, pressures, temperatures, and other data significant in the safe operation of diesel equipment in underground gassy noncoal mines and tunnels.

(b) Exhaust-gas samples shall be analyzed for carbon dioxide, oxygen, carbon monoxide, hydrogen, methane, nitrogen, oxides of nitrogen, and aldehydes, or any other constituent prescribed by the Bureau.

(c) The intake and exhaust systems shall be complete with all component equipment such as air cleaners, flame arresters, and exhaust cooling systems. The performance of component equipment shall be observed to determine whether it functions properly.

(a) When an engine is delivered to the Bureau with the fuel-injection system adjusted by the applicant and tests of the exhaust-gas composition (see § 36.43) show not more than 0.30 percent, by volume, of carbon monoxide, the applicant's adjustment of the fuel-injection system shall be accepted. The maximum fuel:air ratio determined from the exhaust-gas composition shall be designated as the maximum allowable fuel:air ratio. The maximum liquid fuel rate (pounds per hour) that produces the maximum allowable fuel:air ratio shall be designated as the maximum allowable fuel rate for operating the equipment at elevations not exceeding 1,000 feet above sea level.

(b) When the carbon monoxide content of the exhaust exceeds 0.30 percent, by volume, only near maximum power output, the maximum fuel:air ratio at which carbon monoxide does not exceed 0.30 percent shall be calculated and designated as the maximum allowable fuel:air ratio. The corresponding calculated liquid fuel rate shall be designated as the maximum allowable fuel rate at elevations not exceeding 1,000 feet above sea level.

NOTE: The applicant may be requested to adjust the liquid fuel rate during tests to determine the maximum allowable fuel:air ratio.

(c) The maximum allowable fuel:air ratio and maximum liquid fuel rates shall be used to calculate a liquid fuel rate-altitude table that shall govern the liquid fuel rate of engines operated at elevations exceeding 1,000 feet above sea level.

§ 36.45 Quantity of ventilating air.

(a) Results of the engine tests shall be used to calculate ventilation (cubic feet of air per minute) that shall be supplied by positive air movement when the permissible diesel-powered equipment is used underground. This quantity shall be stamped on the approval plate. The quantity so determined shall apply when only one machine is operated.

(b) Determination of the ventilation rate shall be based upon dilution of the exhaust gas with normal air. The most undesirable and hazardous condition of engine operation prescribed by the Bureau shall be used in the calculations. The concentration of any of the following individual constituents in the diluted mixture shall not exceed:

0.25 percent, by volume, of carbon dioxide (CO_2).
0.005 percent, by volume, of carbon monoxide (CO).

0.00125 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide, NO_2).

The oxygen (O_2) content of the diluted mixture shall be not less than 20 percent, by volume: The maximum quantity of normal air to produce the above dilution shall be designated the ventilation rate.

NOTE: This ventilation rate will provide a factor of safety for exposure of persons to air mixtures containing harmful or objectionable gases and for minor variations in engine performance.

§ 36.46 Explosion tests of intake and exhaust systems.

(a) Explosion tests to determine the strength of the intake and exhaust systems to withstand internal explosions and the adequacy of the flame arresters to prevent the propagation of an explosion shall be made with the systems connected to the engine or the systems simulated as connected to the engine. The systems shall be filled with and surrounded by an explosive natural gas-air mixture. The mixture within the intake and exhaust systems shall be ignited by suitable means and the internal pressure developed by the resultant explosion shall be determined. Tests shall be conducted with the ignition source in several different locations to determine the maximum pressure developed by an internal explosion.

(b) Explosion tests shall be made with the engine at rest and with the flammable natural gas-air mixtures in the intake and exhaust systems. In other tests with the flammable mixture in motion, the engine shall be driven (externally) at speeds prescribed by the Bureau but no liquid fuel shall be supplied to the injection valves.

(c) The temperature of the flame arresters in the intake or exhaust systems shall not exceed 212°F . when an explosion test is conducted. Any water-spray cooling for the exhaust system shall not be operated and water shall not be present in the exhaust cooling boxes except when water is the cooling agent for a cooling box designed to act as a flame arrester, in which case the Bureau will prescribe the test conditions.

(d) The explosion tests of the intake and exhaust systems shall not result in:

- (1) Discharge of visible flame from any joint or opening.
- (2) Ignition of surrounding flammable gas-air mixture.
- (3) Development of dangerous afterburning.^{*}
- (4) Excessive pressures.

§ 36.47 Tests of exhaust-gas cooling system.

(a) The adequacy of the exhaust-gas cooling system and its components shall be determined with the engine operating at the maximum allowable liquid fuel rate and governed speed with 0.5 ± 0.1 percent, by volume, of natural gas in the intake air mixture. All parts of the engine and exhaust-gas cooling system

^{*} The term "afterburning" as used in this part is applied to combustion of a flammable gas-air mixture drawn into the system under test by the cooling of the products from an explosion in the system.

shall be at their respective equilibrium temperatures. The cooling spray, if any, shall be operated, and all compartments designed to hold cooling water shall be filled with the quantity of water recommended by the applicant. No cooling air shall be circulated over the engine or components in the cooling system during the test.

(b) Determinations shall be made during the test to establish the cooling performance of the system, the cooling water consumption, high-water level when the system sprays excess water, and low-water level when the cooling system fails.

(c) The final exhaust-gas temperature at discharge from the cooling system, and before the exhaust gas is diluted with air, shall not exceed 170°F . or the temperature of adiabatic saturation, if this temperature is lower.

(d) Water consumed in cooling the exhaust gas under the test conditions shall not exceed by more than 15 percent that required for adiabatic saturation of the exhaust gas at the final temperature. Water in excess of that required for adiabatic saturation shall be considered as entrained water. Enough water shall be available in the cooling system or in reserve supply compartments for sustained satisfactory operation for at least $2\frac{1}{2}$ hours under the test conditions.

NOTE: This amount is enough to cool the exhaust for an 8-hour shift at one-third load factor.

(e) The adequacy of the automatic fuel shutoff actuated by the temperature of the final exhaust shall be determined with the engine operating under test conditions by withdrawing water until the cooling system fails to function. The final exhaust-gas temperature at which the liquid fuel to the engine is automatically shut off shall be noted. This temperature shall not exceed 185°F .

(f) Following the automatic fuel shutoff test in paragraph (e) of this section, the temperature of the control point shall be allowed to fall to 170°F . At this temperature it shall be possible to start the engine.

NOTE: If the cooling system includes a reserve supply water tank, the line or lines connecting it to the cooling compartment may require a suitable flame arrester.

(g) The effectiveness of the automatic engine shutoff, which will operate when the water in the cooling jacket(s) exceeds 212°F ., shall be determined by causing the jacket temperature to exceed 212°F .

§ 36.48 Tests of surface temperature of engine and components of the cooling system.

(a) The surface temperatures of the engine, exhaust cooling system, and other components subject to heating by engine operation shall be determined with the engine operated as prescribed by the Bureau. All parts of the engine, cooling system, and other components shall have reached their respective equilibrium temperatures. The exhaust cooling system shall be operated, but air shall not be circulated over the engine or components. Surface temperatures shall be measured at various places pre-

scribed by the Bureau to determine where maximum temperatures develop.

(b) The temperature of any surface shall not exceed 400°F .

NOTE: The engine may be operated under test conditions prescribed by the Bureau while completely surrounded by a flammable mixture. The Bureau reserves the right to apply combustible materials, likely to be found in gassy noncoal mines or tunnels, to any surface for test. Operation under such conditions shall not ignite the flammable mixture.

§ 36.49 Tests of exhaust-gas dilution system.

The performance and adequacy of the exhaust-gas dilution system shall be determined in tests of the complete equipment. The engine, at temperature equilibrium, shall be operated in normal air as prescribed by the Bureau. Samples of the undiluted exhaust gas and of the diluted exhaust gas, at location(s) prescribed by the Bureau, shall be considered with the data obtained from the engine test (see § 36.43) to determine that the concentrations of carbon dioxide, carbon monoxide, oxides of nitrogen, and aldehydes in the diluted exhaust shall be below the required concentrations specified in subparagraph (1) of paragraph (f) of § 36.25.

§ 36.50 Tests of fuel tank.

The fuel tank shall be inspected and tested to determine whether: (a) It is fuel-tight, (b) the vent maintains atmospheric pressure within the tank, and (c) the vent and closure restrict the outflow of liquid fuel.

§ 36.51 Inspection and tests of headlight units.

Headlight units shall be inspected and tested according to the applicable requirements of Part 20 of Subchapter D (Schedule 10, revised, the latest revision of which is Schedule 10C).

[F.R. Doc. 59-7973; Filed, Sept. 23, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Exemption Certificates and Safeguards

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed revision of rules and regulations for the establishment of safeguards (Subpart—Exemption Certificates and Safeguards, 7 CFR 938.120-938.123) as hereinafter set forth, which were recommended by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish Potatoes grown in the Red River Valley of North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Trail, Cass,

Richland, and Ramsey of the State of North Dakota; and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilkin, Otter Tail, Becker, and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposed revision follows:

SAFEGUARDS

§ 938.120 General.

Whenever shipments of potatoes for special purposes pursuant to § 938.54 are relieved in whole or in part from grade and size regulations issued under § 938.52 the committee shall require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such potatoes into trade channels other than those for which intended. Such information and evidence shall include the requirements set forth below with respect to Certificates of Privilege.

§ 938.121 Qualification.

Before handling potatoes for special purposes which do not meet regulations issued pursuant to § 938.52 a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 938.121 to 938.125, inclusive, with respect to such shipments; and (c) receive approval of the committee, or its duly authorized agents, to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

§ 938.122 Application.

(a) Application for Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 938.120.

(b) The committee may require each handler making shipments of potatoes for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment.

§ 938.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

§ 938.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 938.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-7979; Filed, Sept. 23, 1959;
8:48 a.m.]

[7 CFR Part 1018]

[Docket No. AO-286-A2]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing or-

ders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the auditorium of Broward National Bank, South Andrews Avenue, Fort Lauderdale, Florida, beginning at 9:30 a.m., standard time, on October 5, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to the classification in Class II of skim milk dumped and the accompanying proposals as to handlers payments on such skim milk raises the issue whether the present classification and pricing of other products in Class II is appropriate and, if not, what classification and pricing of such products would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Independent Dairy Farmers' Association, Inc., Fort Lauderdale, Florida:

Proposal No. 1. Amend § 1018.7 to provide that (except as proposed under No. 2) a dairy farmer delivering milk to another market does not qualify as a producer in this market; nor may a dairy farmer qualify as a producer in this market if milk from the same barn is delivered during the month to another market.

Proposal No. 2. Amend §§ 1018.7, 1018.9, 1018.13, 1018.43 and others as necessary to provide that a cooperative association shall be a handler with respect to producer milk diverted to a non-pool plant. Provide that milk transferred or diverted to non-pool plants shall be Class I milk unless such non-pool plants have no Class I route disposition. Milk diverted should be priced f.o.b. pool plants from which diverted.

Proposal No. 3. Amend § 1018.16 to provide that the Chicago butter price be used on a monthly basis and adopt an alternate quotation if the Chicago butter price is not quoted for any day.

Proposal No. 4. Add a new subparagraph to § 1018.41(b) as follows:

(5) Contained in skim milk which is dumped at the plant after approval and verification by the Market Administrator.

Proposal No. 5. Add a new paragraph to § 1018.70 as follows:

(e) Deduct an amount calculated as follows: Multiply the hundredweight of skim milk classified pursuant to § 1018.41(b) (5) by the price calculated pursuant to § 1018.50(e) (2).

Proposal No. 6. Add a new subparagraph to § 1018.72(a) as follows:

(4) Subtract the total amount deducted from the obligations of all handlers pursuant to § 1018.70(e).

Proposal No. 7. Amend § 1018.41(b) (4) to provide that shrinkage pro-rated to producer milk shall not be classified in Class II in excess of 1½ percent of such producer milk. Provide also that shrinkage be pro-rated only between receipts of fluid milk or skim milk from producers and non-pool sources.

Proposal No. 8. Eliminate § 1018.43 (b) (1).

Proposal No. 9. Provide that closing inventories of Class I milk products assigned to non-federal-order other source milk shall be subject to the payment provided in § 1018.52(a) if used the following month in Class I.

Proposal No. 10. Amend § 1018.50 (a) through (d) to establish a formula that will give an average Class I price of \$7.00 per hundredweight. Develop a utilization adjustment factor that will cause the Class I price to vary not more than 20 cents in response to changes in supply and demand relationships.

Proposal No. 11. Amend § 1018.80(a) (1) to provide advance payments on the 18th and the 3d day of the next month with respect to milk received from producers during the first and second halves of the month respectively.

Proposal No. 12. Amend the order to provide that payments due producers or the Market Administrator from handlers shall be increased three-fourths of 1 percent for each month or portion thereof for which such payment is overdue under the order.

Proposal No. 13. Amend § 1018.90 to eliminate January from the base-forming period and provide that the producer shall be assigned the higher of his current or previous year's earned base.

Proposal No. 14. Delete the words "75 percent" from the proviso of § 1018.91(a) and substitute therefor a schedule of percentages for the different months as follows:

August -----	70	February ----	50
September ---	70	March -----	50
October -----	65	April -----	50
November ----	60	May -----	55
December ----	55	June -----	55
January -----	55	July -----	60

Proposal No. 15. Amend § 1018.91 to provide the following changes:

a. Provide that only one base be allowed per barn.

b. Provide that a partnership, corporation, or members of an immediate family may divide a base on the same basis as the cows are divided.

c. Provide that a base may be transferred only to the person to whom the cows are transferred.

d. Provide that a person transferring a base may not receive a percentage base until after the end of the period for which the transferred base applies.

Proposal No. 16. Amend the order to provide that only approved measuring devices be used by plants as a basis for paying producers for milk.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 17. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 801-03 Sweet Building, Fort Lauderdale, Fla., or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 21st day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-7980; Filed, Sept. 23, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-186]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6004 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 4 presently extends from Seattle, Wash., to Washington, D.C. The Federal Aviation Agency has under consideration realigning the segment of Victor 4 between Elkins, W. Va., and Front Royal, Va., via the intersection of the Elkins VOR 077° and the Grantsville, Md., VOR 191° radials. This modification will provide sufficient angular separation at the Elkins VOR between Victor 4 and a segment of VOR Federal airway No. 174 in its proposed alignment from the Elkins VOR via a new VOR to be located near Linden, Va., to the Springfield, Va., intersection, which is under consideration by the Federal Aviation Agency (Airspace Docket No. 59-WA-183). The control areas associated with Victor 4 are so designated so that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this no-

tice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6004 (14 CFR, 1958 Supp., 600.6004, 24 F.R. 701, 1281) as follows:

In the text of § 600.6004 VOR Federal airway No. 4 (Seattle, Wash., to Washington, D.C.) delete "Front Royal, Va., omnirange station; to the Herndon Va., omnirange station." and substitute therefor "INT of the Elkins VOR 077° and the Grantsville, Md., VOR 191° radials; Front Royal, Va., VOR; to the Herndon, Va., VOR."

Issued in Washington, D.C., on September 17, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau
of Air Traffic Management.

[F.R. Doc. 59-7965; Filed, Sept. 23, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-211]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6608 and 601.6608 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 1508 and its associated control areas presently extends from Los Angeles, Calif., to New York, N.Y. The Jefferson, Ohio, VOR to Idlewild, N.Y., VOR segment of Victor 1508 is designated via the point of intersection of the Bradford, Pa., VOR 260° and the Fitzgerald, Pa., VOR 304° radials; Fitzgerald, Pa., VOR; Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; East Texas, Pa., VOR; Colts Neck, N.J., VOR; point of intersection of the Colts Neck VOR 078° and the Idlewild VOR 212° radials; thence to the Idlewild, N.Y., VOR. Victor 1508 presently overlies VOR Federal airway No. 1510 between Philipsburg VOR and Selinsgrove VOR. Victor 1508 segment between Selinsgrove VOR and Idlewild VOR is common with VOR Federal airways No. 1500, No. 1502, No. 1510, and No. 1512. The Federal Aviation Agency has under consideration the modification of Victor 1508 segment and associated control

areas between Jefferson, Ohio and Idlewild, N.Y., by redesignating from Jefferson VOR via the Tidioute, Pa., VOR and a VOR proposed to be installed in the vicinity of Slate Run, Pa., at latitude $41^{\circ}30'46''$, longitude $77^{\circ}58'33''$, to be commissioned on November 15, 1959, Williamsport, Pa., VOR, point of intersection of the Williamsport VOR 088° and the Stillwater VOR 299° radials; Stillwater, N.J., VOR, to the point of intersection of the Stillwater VOR 113° and the Solberg, N.J., VOR 051° radials (Caldwell, N.J., Intersection). This modification of Victor 1508 will provide an additional route primarily for the movement of the heavy volume of westbound medium altitude air traffic between the New York Metropolitan Terminal area and the Cleveland, Ohio/Detroit, Mich., Terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6608 and 601.6608 (14 CFR, 1958 Supp., 600.6608, 601.6608) as follows:

1. In § 600.6608 VOR Federal airway No. 1508 (Los Angeles, Calif., to New York, N.Y.):

a. Delete in the caption "(Los Angeles, Calif., to New York, N.Y.)" and

substitute therefor "(Los Angeles, Calif., to Caldwell, N.J.)".

b. Delete in the text "point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; East Texas, Pa., VOR; Colts Neck, N.J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N.Y., omnirange station" and substitute therefor, "Tidioute, Pa., VOR; Slate Run, Pa., VOR; Williamsport, Pa., VOR; INT of the Williamsport VOR 088° and the Stillwater VOR 299° radials; Stillwater, N.J., VOR; to the INT of the Stillwater VOR 113° and the Solberg, N.J., VOR 051° radials".

2. In the caption of § 601.6608 VOR Federal airway No. 1508 control areas (Los Angeles, Calif., to New York, N.Y.) delete "(Los Angeles, Calif., to New York, N.Y.)" and substitute therefor, "(Los Angeles, Calif., to Caldwell, N.J.)".

Issued in Washington, D.C., on September 17, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau
of Air Traffic Management.

[F.R. Doc. 59-7966; Filed, Sept. 23, 1959;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-165]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2190 of the Regulations of the Administrator, as herein-after set forth.

The Federal Aviation Agency has under consideration a modification of the Atlantic City, N.J., control zone. The present control zone includes the airspace within a seven mile radius of the Atlantic City NAFEC Airport with an extension southeast bounded by a line lying three nautical miles off shore. There now exists a requirement for the expansion of this control zone to provide adequate controlled airspace for aircraft conducting instrument approaches to the NAFEC Airport; radar vector service for large numbers of aircraft when experimental air traffic saturation tests are being conducted; and when other controlled flight test projects are being con-

ducted by the National Aviation Facilities Experimental Center of the Federal Aviation Agency. If such action is taken, the Atlantic City control zone would be extended to include the airspace within a sixteen mile radius of the Atlantic City NAFEC Airport excluding the portions which overlie the Brigantine, N.J., Restricted Area (R-28), and the Atlantic City Off Shore Warning Area (W-107).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2190 (14 CFR, 1958 Supp., 601.2190, 24 F.R. 2232) to read as follows:

§ 601.2190 Atlantic City, N.J., control zone.

Within a sixteen-mile radius of the NAFEC airport, excluding the portions which lie within the Brigantine, N.J., Restricted Area (R-28), and the Atlantic City Off Shore Warning Area (W-107).

Issued in Washington, D.C., on September 17, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau
of Air Traffic Management.

[F.R. Doc. 59-7967; Filed, Sept. 23, 1959;
8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

SEPTEMBER 15, 1959.

1. A plat of survey of the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on October 20, 1959:

T. 1 S., R. 2 E., Fairbanks Meridian

Sections 1, 2, 3 and 4;

Sections 10, 11, 12 and 13;

Sections 24 and 25.

2. The above lands lie in a southeasterly direction from Fairbanks, Alaska, and are 10 miles from that city. The terrain is rolling to flat swampy land. Its major vegetative cover consists of scattered stands of spruce on higher ground. These lands are traversed by the Chena River. Access is limited to these lands as they lie three miles north of the Richardson Highway. A portion of this land may be suitable for agriculture use.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite and Small Tract Laws by qualified veterans of World War II or of the Korean conflict and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on October 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 14, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under Paragraphs (1) and (2) above, present-

ed prior to 10:00 a.m. on December 14, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veteran's preference right under Paragraph (2) above must submit with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

6. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

ROBERT L. JENKS,
Manager.

[F.R. Doc. 59-7971; Filed, Sept. 23, 1959; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 16, 1959.

The Bureau of Indian Affairs has filed an application, Serial Number NM-032410, for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for the Borrego Pass School.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 11 W.,

Sec. 33: SW¼NE¼, N¼NW¼SE¼.

The area described aggregates 60 acres.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59-7972; Filed, Sept. 23, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19455]

DILLARD & WALTERMIRE DRILLING CO.,

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 16, 1959.

Dillard & Waltermire Drilling Company (Dillard & Waltermire) on August 17, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 13, 1959.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 2 to Dillard & Waltermire's FPC Gas Rate Schedule No. 1.

Effective Date: November 1, 1959 (effective date is the effective date proposed by Dillard and Waltermire).

In support of the proposed redetermined rate increase, Dillard & Waltermire states that the redetermined rate is provided by its contract and that such rate is in line with the price being paid to other sellers in the area. In addition, Dillard & Waltermire submits a letter wherein the buyer, Tennessee Gas Transmission Company, agrees to the proposed redetermined rate increase effective November 1, 1959.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Dillard & Waltermire's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Dillard & Waltermire's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7984; Filed, Sept. 23, 1959;
8:49 a.m.]

[Docket No. G-18858]

EMPIRE GAS AND FUEL CO.

Notice of Application and Date of Hearing

SEPTEMBER 16, 1959.

Take notice that on June 26, 1959, Empire Gas and Fuel Company (Applicant), a new corporation, filed in Docket No. G-18858 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the natural gas properties of Bradley Empire Corporation of Wells-ville, New York (Bradley Empire), all as more fully set forth in the application and exhibits which are on file with the Commission and open to public inspection.

Applicant proposes to acquire and operate all of the operating properties of Bradley Empire, the purpose being to separate the natural gas operations of Bradley Empire from its investment activities and to simplify and streamline the management of said gas properties. Bradley Empire will receive all of Applicant's capital stock in exchange for said properties.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7985; Filed, Sept. 23, 1959;
8:49 a.m.]

[Project No. 2266]

NEVADA IRRIGATION DISTRICT

Notice of Application for Preliminary Permit

SEPTEMBER 16, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Nevada Irrigation District, of Grass Valley, California, for preliminary permit for a project, designated as Project No. 2266, to be situated in Sierra, Nevada and Placer Counties, in the State of California, near Sierra City, Emigrant Gap, Dutch Flat and Colfax. Lands of the United States within the Tahoe National Forest and other lands of the United States will be affected.

The project, as proposed and described in the application, will be an expansion and addition to the project under Minor-Part License held by the Applicant for Project No. 338. Certain of the existing works will be replaced, repaired, relocated or enlarged under the proposed project. Proposed works, consist of: Jackson Meadows reservoir, with approximately 45,000 acre-feet of storage, and English Meadows reservoir, with approximately 10,000 acre-feet of storage, both located on Middle Yuba River; a diversion structure on South Fork of North Yuba River and gravity conduit to Jackson Meadows; the existing Milton-Bowman conduit to be rebuilt and the tunnel repaired; a low dam to raise Faucherie Lake to provide approximately 3,000 acre-feet of storage; a diversion on East Fork of Middle Yuba River and closed conduit to existing Weaver Lake; a low dam to raise Weaver Lake to provide approximately 4,000 acre-feet of storage

and a tunnel from Weaver Lake to Bowman Reservoir; the existing Bowman-Spaulding conduit to be enlarged, improved and replaced, in part, by a tunnel; a canal from the Drum afterbay dam to a proposed powerhouse, Dutch Flat No. 2, with an installation of 22,000 kilowatts on Bear River; a canal from Dutch Flat to a proposed powerhouse, Chicago Park, with an installation of 33,500 kilowatts on Bear River; Rollins re-regulating and storage reservoir on Bear River with a capacity of approximately 30,000 acre-feet of storage; and numerous diversions from small creeks, conduits, and access roads.

Applicant states that the energy from the proposed plants will be sold to Pacific Gas and Electric Company, and distributed and sold for public utility purposes.

No construction is authorized under a preliminary permit. A permit, if issued, gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is October 26, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7986; Filed, Sept. 23, 1959;
8:49 a.m.]

[Docket No. G-19476]

ESTATE OF JOE W. BROWN

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 18, 1959.

On August 21, 1959, the Estate of Joe W. Brown (Brown) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Supplemental Agreement, dated July 29, 1959. (2) Notice of Change, dated August 21, 1959.

Purchaser: United Gas Pipe Line Company. Rate schedule designation: (1) Supplement No. 7 to Brown's FPC Gas Rate Schedule No. 1. (2) Supplement No. 8 to Brown's FPC Gas Rate Schedule No. 1.

Effective date: September 21, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Brown states that the contract was negotiated at arm's length; that the proposed rate represents no more than the fair market value of natural gas produced in South Louisiana; and that the proposed rate is below recently certificated rates in the same area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplements Nos. 7 and 8 to Brown's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplements Nos. 7 and 8 to Brown's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 21, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7995; Filed, Sept. 23, 1959;
8:50 a.m.]

[Docket Nos. G-19473, G-19474]

PHILLIPS PETROLEUM CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates¹

SEPTEMBER 18, 1959.

In the matters of Phillips Petroleum Company (Operator), et al., Docket No. G-19473; Phillips Petroleum Company, Docket No. G-19474.

On August 19, 1959, the above-named Respondents tendered for filing Notices

of Change, dated August 17, 1959, which propose increased rates and charges in their presently effective rate schedules² for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges effective October 1, 1959,³ are contained in the following designated filings:

Docket No. G-19473

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Phillips Petroleum Company (Operator), et al.'s FPC Gas Rate Schedule No. 262.

Docket No. G-19474

Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designation: Supplement No. 6 to Phillips Petroleum Company's FPC Gas Rate Schedule No. 302.

In support of the proposed periodic rate increases, Respondents state that their contracts were negotiated at arm's length; that the proposed rates are below other certificated prices in the same general area, and that periodic step-ups are the only means of increasing the price of gas under the subject contracts since they contain no flexible price adjustment clauses.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the two proposed changes and that the above-designated supplements to Respondents' FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

¹ This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

² Present rates previously suspended and are in effect subject to refund in Docket Nos. G-16178 and G-16311, respectively.

³ The stated effective date is the effective date proposed by Respondents.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7996; Filed, Sept. 23, 1959;
8:50 a.m.]

[Docket No. G-19475]

ROBERT B. PRENTICE ET AL.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 18, 1959.

Robert B. Prentice (Operator), et al. (Prentice), on August 21, 1959, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Contract, dated May 14, 1959. (2) Letter, dated May 14, 1959. (3) Contract, dated May 14, 1959. (4) Letter, dated May 14, 1959. (5) Notice of Change, dated August 18, 1959.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Prentice's FPC Gas Rate Schedule No. 3.¹ (2) Supplement No. 1 to Prentice's FPC Gas Rate Schedule No. 3. (3) Supplement No. 2 to Prentice's FPC Gas Rate Schedule No. 3.² (4) Supplement No. 3 to Prentice's FPC Gas Rate Schedule No. 3. (5) Supplement No. 4 to Prentice's FPC Gas Rate Schedule No. 3.

Effective date: October 1, 1959 (effective date is the effective date proposed by Prentice).

In support of the proposed renegotiated rate increase, Prentice states that his contracts were negotiated at arm's length and that the price therein provided is no higher than that generally prevailing in the same area. Prentice states additionally that the new contracts provide valuable considerations to the buyer, namely, that seller is required to drill a well to deeper strata than was required by the superseded contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Prentice's FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 through 4 thereto, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

¹ Supersedes Prentice's FPC Gas Rate Schedule No. 1, as amended.

of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Prentice's FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 through 4 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are each hereby suspended and the use thereof deferred until March 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplements hereby suspended shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7997; Filed, Sept. 23, 1959;
8:50 a.m.]

[Docket Nos. G-17251, G-17252, G-18073]

SIGNAL OIL AND GAS CO.

Notice of Applications and Date of Hearing

SEPTEMBER 18, 1959.

Take notice that on December 12, 1958, in Docket Nos. G-17251 and G-17252, and on March 16, 1959, in Docket No. G-18073, Signal Oil and Gas Company (Applicant) filed applications pursuant to section 7 of the Natural Gas Act as follows:

(1) In Docket Nos. G-17251 and G-17252, for certificates of public convenience and necessity to render natural gas service to Cities Service Gas Company (Cities Service) and to Lone Star Gas Company (Lone Star), respectively, from a gas processing plant in Carter County, Oklahoma, formerly owned by Sokla Gasoline Company (Sokla).

Sokla was authorized on February 21, 1956, in Docket No. G-8674 to sell gas from its aforesaid Carter County plant to Cities Service under a gas sales contract dated March 25, 1955, and on March 6, 1956, in Docket No. G-6100 to sell gas from said plant to Lone Star under a gas sales contract dated October 27, 1953. Applicant acquired Sokla's title to and interest in these respective contracts by separate instruments of assignment each dated October 9, 1958, which contracts and instruments of assignment are on file with the Commission and now designated Signal Oil and Gas Company (Operator) FPC Gas Rate Schedule Nos. 5 and 6, and Supplement Nos. 3 and 2 thereto, respectively.

(2) In Docket No. G-18073, for permission and approval to abandon natural gas service to Cities Service and Lone Star, respectively, presently being rendered pursuant to temporary authorization granted January 13, 1959, in Docket Nos. G-17251 and G-17252.

Applicant has filed a release dated December 29, 1958, by Lone Star of the contract involved in Docket No. G-17251, and a letter agreement dated February 20, 1959, with Cities Service, which agreement terminates the contract involved in Docket No. G-17252 and provides that Applicant shall sell gas to Cities Service from Applicant's nearby Fox Gasoline Plant instead of from the processing plant acquired by Applicant from Sokla.

Applicant was authorized on November 28, 1955, in Docket No. G-2570 to sell residue gas from its Fox Gasoline Plant to Cities Service under a gas sales contract dated July 6, 1954, as amended, designated in the files of the Commission as Signal Oil and Gas Company (Operator) FPC Gas Rate Schedule No. 1. By letter dated August 6, 1959, the Commission has accepted for filing the letter agreement between Applicant and Cities Service dated February 20, 1959, and has given said letter agreement the designation of Supplement No. 4 to Signal Oil and Gas Company (Operator) FPC Gas Rate Schedule No. 1.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7998; Filed, Sept. 23, 1959;
8:50 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 54940]

SKOURAS LINES, INC.

Registration of House Flag and Funnel Marks

SEPTEMBER 21, 1959.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81(a), Customs Regulations (19 CFR 3.81(a)), has registered the house flag and funnel marks of The Skouras Lines, Inc. of New York as described below:

(a) *House flag.* The house flag is rectangular in shape; the fly is 1½ times the height of the hoist. Superimposed and centered on an orange field both vertically and horizontally is a black elongated script "S". The height of the elongated script "S" is 79 percent of the hoist and the ratio of maximum thickness of the emblem is 18 percent of the hoist.

(b) *Funnel marks.* The funnel mark is to appear on an orange stack. The mark consists of a black elongated script "S" on an orange funnel. The center of the elongated script "S" is 44 percent of the stack height below the top in the fore and aft center. The insigne height is 51 percent of the funnel height and the ratio of maximum thickness to height is 16 percent.

Colored drawings of the house flag and funnel marks described above are on file with the Federal Register Division, National Archives and Records Service.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 59-7991; Filed, Sept. 23, 1959;
8:49 a.m.]

Office of the Secretary

[AA 643.3]

PORTLAND CEMENT FROM DENMARK

Determination of No Sales at Less Than Fair Value

SEPTEMBER 17, 1959.

A complaint was received that Portland cement from Denmark was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement from Denmark is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Sales were made at a price which may have been at less than home consumption price, but thereafter a reduction in the home consumption price removed any doubt as to the pricing which was shown not to be less than fair value after appro-

priate adjustments for commission included in the purchase price and for differences in packing costs and quantities. The quantities involved and/or differences in price are considered not more than insignificant for the period prior to the price change. There have been since then no sales at less than home consumption price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7994; Filed, Sept. 23, 1959;
8:50 a.m.]

OFFICIALS AUTHORIZED TO ACT AS COMMISSIONER OF ACCOUNTS

Order of Succession

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Assistant Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Chief Auditor.
4. Deputy Commissioner for Accounting Systems.
5. Assistant Chief Disbursing Officer (Senior).
6. Assistant Chief Disbursing Officer.
7. Deputy Commissioner for Deposits and Investments.
8. Assistant Commissioner for Administration.
9. Deputy Commissioner for Central Accounts.
10. Regional Disbursing Officer, New York, New York.
11. Regional Disbursing Officer, Denver, Colorado.
12. Regional Disbursing Officer, Dallas, Texas.
13. Regional Disbursing Officer, Salt Lake City, Utah.

This order of succession supersedes the previous order of this Bureau, dated March 15, 1957 (22 F.R. 1869).

Dated: September 15, 1959.

[SEAL] R. W. MAXWELL,
Commissioner of Accounts.

[F.R. Doc. 59-7993; Filed, Sept. 23, 1959;
8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

CARLTON S. DARGUSCH

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection

710(b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published April 2, 1959 (24 F.R. 2579).

Dated: September 5, 1959.

CARLTON S. DARGUSCH.

[F.R. Doc. 59-7962; Filed, Sept. 23, 1959;
8:45 a.m.]

ROBERT J. HARBISON, III

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Delete: General Public Utilities.

This amends statement published April 2, 1959 (24 F.R. 2579).

Dated: September 5, 1959.

ROBERT J. HARBISON, III.

[F.R. Doc. 59-7963; Filed, Sept. 23, 1959;
8:45 a.m.]

MORRIS A. LIEBERMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

No change since last report, published April 2, 1959 (24 F.R. 2579).

Dated: September 6, 1959.

MORRIS A. LIEBERMAN.

[F.R. Doc. 59-7964; Filed, Sept. 23, 1959;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3815]

CENTRAL MASSACHUSETTS GAS CO. ET AL.

Notice of Filing Regarding Issuance and Sale of Common Stock by Sub- sidiaries of Registered Holding Company and Acquisition of Said Stock by Said Holding Company

SEPTEMBER 17, 1959.

In the matter of Central Massachusetts Gas Company, Northampton Gas Light Company, New England Electric System; File No. 70-3815.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its direct subsidiaries, Central Massachusetts Gas Company ("Central Mass.") and Northampton Gas Light Company ("Northampton"), both gas utility companies, have filed with this Commission a joint application-declaration and an amend-

ment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) (2), 6(b), 7, 9, and 10 of the Act and Rules 42(b) (2) and 50(a) (1), (2) and (3) thereunder as applicable to the proposed transactions which are summarized as follows:

Central Mass. and Northampton intend to increase their authorized \$25 par value capital stock by 14,000 shares and 5,455 shares, respectively, and propose to issue and to sell all of such additional shares at the respective prices of \$25 and \$55 per share aggregating \$350,000 and \$300,025, respectively. NEES, their sole stockholder, proposes to acquire all of such shares and, in payment therefor, will use available treasury funds.

Central Mass. will apply the proceeds from the sale of the additional shares of its capital stock to the reduction of its outstanding short-term notes payable to a bank from \$1,100,000 to \$750,000 and Northampton will apply the proceeds derived from the sale of the additional shares of its capital stock to the reduction of its short-term notes payable to NEES from \$690,000 to \$389,975.

The application-declaration states that the prices for the additional shares of capital stocks were determined by the respective boards of directors of the subsidiary companies, after taking into consideration the earnings, the effect of the increase in the number of shares, and a comparison of the price-earnings ratios of a substantial number of gas distribution companies whose stocks are publicly held.

The Department of Public Utilities of Massachusetts, in which State each of the subsidiary companies is organized and doing business, has authorized the proposed transactions and has approved the prices to be paid for the additional shares of capital stock as not so low as to be inconsistent with the public interest.

The joint application-declaration further states that no underwriters fees, commissions, or other remuneration is to be paid in connection with effectuating the proposed transactions. Incidental services are to be performed by New England Power Service Company, an affiliated service company rendering service to associated companies, at the actual cost thereof. Total expenses in connection with the proposed transactions are estimated at \$3,025 for Central Mass., \$2,868 for Northampton, and \$600 for NEES.

Notice is further given that any interested person may, not later than October 6, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, said amended joint application-declaration, as filed or as it may be further amended, may be granted as pro-

vided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7974; Filed, Sept. 23, 1959;
8:47 a.m.]

[File No. 812-1181]

FUNDAMENTAL INVESTORS, INC.

Notice of Filing of Application

SEPTEMBER 17, 1959.

Fundamental Investors, Inc. ("Fundamental"), a registered open-end investment company has filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of the I.H.L. Corporation ("IHL").

Shares of Fundamental, a Delaware corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 30, 1959, the net assets of Fundamental amounted to \$581,214,400, and 29,282,656 shares of its stock were outstanding.

IHL, a Delaware corporation, is a personal holding company having six stockholders which engages in the business of investing and reinvesting its funds. IHL is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Fundamental and IHL, substantially all of the cash and securities of IHL will be transferred to Fundamental in exchange for shares of Fundamental. At June 30, 1959, the assets of IHL amounted to \$1,194,072 consisting of \$165,402 in securities which Fundamental will acquire for investment with no present intention of disposition, and \$1,028,670 in cash or items that will be converted to cash prior to the exchange. The number of shares of Fundamental to be delivered to IHL will be determined by dividing the net asset value per share of Fundamental in effect at the close of business on the day preceding the closing date into the value of the IHL assets to be exchanged. The shares acquired by IHL are to be distributed immediately to its shareholders; the holders of 9,670 shares of IHL's 9,940 shares issued and outstanding have agreed to take such shares for investment.

Since the exchange will be tax free for IHL and its shareholders, Fundamental's cost basis for tax purposes for the assets acquired from IHL will be the same as for IHL, rather than the price actually paid by Fundamental for the assets. The value of IHL's assets will be determined in substantially the same manner as used for calculating net asset value

for the purpose of issuance of Fundamental's shares, except that if the percentage of IHL's portfolio securities representing unrealized appreciation is greater than the percentage of value of Fundamental's portfolio securities representing unrealized appreciation, there will be deducted from the value of IHL's assets 12½ percent of the amount of such excess unrealized appreciation. The application states that the provision for this adjustment was included in the agreement so that in the unlikely event it became effective it would compensate the present stockholders of Fundamental for bearing a greater capital gains tax on the subsequent sale by Fundamental of the IHL assets than they would bear on the sale of the securities presently in its portfolio. Since the average capital gains tax rate that would have to be paid by Fundamental's shareholders cannot be exactly calculated, 12½ percent was arrived at as a fair compromise between 0 and the maximum long term capital gains tax rate of 25 percent. As of June 30, 1959, there was no net unrealized appreciation on IHL's securities to be acquired by Fundamental, as compared with net unrealized appreciation of \$254,246,067, or 44 percent for Fundamental's portfolio. If the transaction had been consummated on June 30, 1959, IHL would have received 60,154 shares of Fundamental, representing approximately .2 percent of the total shares outstanding.

The application recites that the terms of the entire transaction were arrived at through arm's length bargaining between representatives of Fundamental and IHL. There is no affiliation or relationship of any kind between the officers and directors of Fundamental and the officers, directors, and stockholders of IHL.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Fundamental are to be issued to IHL at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales of \$500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than September 28, 1959, at 5:30 p.m., submit to the Commission in writing a request for a hearing of the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request

that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7975; Filed, Sept. 23, 1959;
8:47 a.m.]

[File No. 70-3820]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposal To Issue and Sell Short-Term Notes to Banks

SEPTEMBER 17, 1959.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for approval of its proposal to issue and sell to banks short-term notes, and has designated section 6(b) of the Act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a loan agreement with a group of commercial banks, Indiana proposes to issue and sell to the banks, from time to time prior to September 30, 1960, unsecured promissory notes in the aggregate maximum amount of not to exceed \$25,000,000 at any one time outstanding. The names of the banks and the aggregate maximum amounts of notes to be held by each at any one time are as follows:

Irving Trust Company, New York, N.Y.	\$3,750,000
Mellon National Bank & Trust Company, Pittsburgh, Pa.	3,750,000
First National City Bank of New York, New York, N.Y.	3,750,000
Manufacturers Trust Company, New York, N.Y.	3,250,000
Morgan Guaranty Trust Company, New York, N.Y.	2,500,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Ill.	2,500,000
Bankers Trust Company, New York, N.Y.	1,750,000
The Hanover Bank, New York, N.Y.	1,750,000
Chemical Corn Exchange Bank, New York, N.Y.	1,250,000
The Northern Trust Company, Chicago, Ill.	750,000
Total	25,000,000

The notes will mature not more than 270 days after the date of issuance, will bear interest at the then current prime rate (presently 5 percent), and will be prepayable from time to time, in whole or in part, without prepayment premium.

The proceeds from the notes to be issued will be used to pay in part the costs of construction during the last six months of 1959 and all of 1960, estimated at \$12,000,000 and \$23,000,000, respectively.

Of the \$25,000,000 to be borrowed, Indiana has, at August 31, 1959, borrowed \$10,000,000, and states that it may borrow \$4,700,000 more, pursuant to the exemption provided by the first sentence of section 6(b) of the Act. Approval is requested for the borrowing of an additional \$10,300,000.

Indiana states that it expects that its next permanent financing will be effectuated during the first half of 1961, and will consist of the issue and sale of senior and equity securities, or the receipt of capital contributions, in such amounts and proportions as are required to maintain appropriate capital ratios; and that all notes to banks then outstanding will be paid from the proceeds of such financing. The filing states further that upon consummation of the permanent financing, the note issuing authority granted by order of the Commission pursuant to this application shall cease.

No finders fees or commissions are to be paid, and the fees and expenses to be incurred are estimated at not to exceed \$1,000, exclusive of issuance tax payable to the State of Indiana.

It is stated that the proposed transactions will be expressly authorized by the Public Service Commission of Indiana, and that a copy of the order of that commission will be supplied by amendment.

Notice is further given that any interested person may not later than October 2, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7976; Filed, Sept. 23, 1959; 8:47 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

SEPTEMBER 18, 1959.

I. The common stock, \$1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with Section 13 of the Act and the rules and regulations thereunder.

On September 8, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending September 18, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 19, 1959 to September 28, 1959, inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7977; Filed, Sept. 23, 1959; 8:47 a.m.]

[File No. 812-1246]

ONE WILLIAM STREET FUND, INC.

Notice of Filing of Application

SEPTEMBER 17, 1959.

Notice is hereby given that One William Street Fund, Inc. ("William Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of the Federated Holding Corporation ("Federated").

Shares of William Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 30, 1959, the net assets of William Street amounted to \$289,541,849 and 21,090,206 shares of its stock were outstanding.

Federated, a Delaware Corporation, is a personal holding company with two stockholders which engages in the business of investing and reinvesting its funds. Federated is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between William Street, Federated and the latter's stockholders, substantially all of the cash and securities owned by Federated, with a total value of \$1,854,000 as of June 30, 1959, will be transferred to William Street in exchange for shares of stock of William Street. The number of shares of William Street to be delivered to Federated will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the Federated assets to be exchanged. The shares acquired by Federated are to be distributed immediately to its shareholders who have agreed to take such shares for investment.

The value of the Federated assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of William Street's shares. Since the exchange will be tax free for Federated and its shareholders, William Street's cost basis for tax purposes for the assets acquired from Federated will be the same as for Federated, rather than the price actually paid by William Street for the assets. In view of this, provision is made that if the percentage of the value of Federated's portfolio securities representing unrealized appreciation is greater than the percentage of the value of William Street's portfolio securities representing unrealized appreciation, there will be deducted from the value of Federated's assets 12½ percent of the amount of such excess unrealized appreciation. This adjustment is intended to safeguard the stockholders of William

Street from bearing a greater capital gains tax on the sale by William Street of the Federated securities than they would bear on the sale of the securities presently in its portfolio. Since the average capital gains tax rate that would have to be paid by William Street's shareholders cannot be exactly calculated, 12½ percent was arrived at as a fair compromise between 0 and the maximum long-term capital gains tax of 25 percent. As of June 30, 1959, no such adjustment would have been necessary since net unrealized appreciation on the Federated securities amounted to \$223,000 or 12.2 percent of the value of all securities held, as compared with net unrealized appreciation of \$37,372,377 or approximately 12.9 percent for William Street's portfolio. If the transaction had been consummated on June 30, 1959, Federated would have received approximately 135,300 shares of stock of William Street representing about 0.6 percent of the total shares outstanding.

It is contemplated that shortly after the closing William Street will sell certain of the securities to be acquired from Federated, which it does not presently consider suitable for retention in its portfolio. If such sales had been made as of June 30, 1959, William Street would have realized capital gains of about \$170,000 resulting from disposition of securities acquired with a low tax-cost basis. While William Street shareholders will be subject to a tax liability on any such gain, the application states that the amount involved is de minimis and is offset by reductions in the amount of realized undistributed gains and of unrealized appreciation applicable to the present shareholders of William Street. As of June 30, 1959, the Federated shareholders, upon becoming stockholders of William Street, would have assumed about \$42,000 of realized undistributed gains and \$185,000 of unrealized gains now applicable to present shareholders of William Street.

The application recites that the terms of the entire transaction including the adjustment of 12½ percent were arrived at through arm's-length bargaining between the officers of William Street and Federated. The application further states that there is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholders of Federated, and that Lehman Brothers, the investment adviser of William Street, has never acted as investment adviser to Federated.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of William Street are to be issued to Federated at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of \$500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or uncondi-

tionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than September 28, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-7978; Filed, Sept. 23, 1959;
8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Revision 5)]

REGIONAL DIRECTORS

Delegation of Authority Relating to Financial Assistance, Investment Program, Procurement and Technical Assistance and Administration

I. Pursuant to the authority vested in the Administrator by the Small Business Act, Pub. Law 85-536, as amended; Pub. Law 85-699; the Small Business Investment Act of 1958 (Pub. Law 85-699); Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.); and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (pursuant to sec. 4 of the Fish and Wildlife Act of 1956, 70 Stat. 1119, 1121) relating to the operation of the Fisheries Loan Fund, there is hereby delegated to each Regional Director within his Region, the authority:

A. *Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve and decline direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

Administrator.

By -----
Regional Director.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To establish Disaster Field Offices upon receipt of advice of the designation of a disaster area and to advise on the making of disaster loans, to appoint as a processing representative any bank in the disaster area, and to close Disaster Field Offices when no longer advisable to maintain such offices.

9. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations.

(b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months.

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of \$20,000, or less.

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant.

(e) Disburse fisheries' loans in the same manner as SBA business loans.

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc. securing fisheries loans.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing, hereby ratifying and confirming all that said Regional Director shall do and cause to be done by virtue hereof.

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures,

tures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. Investment program. 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-400, Agency Policy Manual and SBA-600, Procurement and Technical Assistance Manual:

1. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement and disposal centers.

2. To deny an application for a Certificate of Competency when the Regional Director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which loan must be approved in the Washington Office.

D. Administration. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-100, Administrative Manual, and SBA-200, Controller's Manual:

1. To administer oaths of office.

2. To certify to the Controller for payment, employee suggestion awards, for suggestions put into effect in the Region, in an amount not to exceed \$100 for each award.

3. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

4. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

5. To determine the need for an Imprest Fund.

6. To approve (a) annual and sick leave; (b) advanced sick leave, not to exceed 30 days; (c) advanced annual leave, not to exceed the amount of annual leave the employee would earn during the leave year; (d) leave without pay, not to exceed 30 days; and (e) overtime for employee under his supervision.

7. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of \$50 in any one object class in any one instance but not more than \$100 in any one month for total purchases in all object classes; (b) make purchases not in excess of \$10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$25 in any one instance.

8. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

9. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

10. To (a) authorize or approve official travel; (b) approve expenses incident to change of official duty station; and (c) administratively approve travel reimbursement claims.

11. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

12. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

13. To authorize expenditures for registration fees not in excess of \$25 each.

14. To approve personnel actions, including but not limited to, appointments, promotions, reassignments, transfers, and separations, for all non-technical employees of his region in grades GS-7 and below.

15. To give security clearance to applicants for non-sensitive, non-technical positions in grades GS-7 and below when the security investigation discloses no derogatory information.

16. To establish and classify all non-technical positions subject to the Classification Act of 1949, as amended, in grades GS-1 through GS-7.

E. Correspondence. To sign all correspondence, including congressional correspondence relating to the functions of the Regional Office, except communi-

cations involving new policy matters which shall be referred to the appropriate Washington Office for clearance.

II. The specific authority in subsection I.A.8; subsection I.C.2; and subsections I.D. 2, 3, 4, 5, 6 (b), (c) and (e), 10(b), 13, 14 and 15 may not be re-delegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

IV. All previous authority delegated by the Administrator to each Regional Director by Delegation of Authority No. 30 (Revision 4), as amended, and Delegations of Authority Nos. 60 through 71, inclusive, are hereby rescinded without prejudice to actions taken under all such Delegations of Authority prior to the date hereof.

Effective date: October 1, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-7983; Filed, Sept. 23, 1959;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 193]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 21, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61520. By order of September 17, 1959, Division 4, acting as an Appellate Division, approved the transfer to Johnson Freight Lines Company, Inc., Nashville, Tenn., of Certificates in Nos. MC 30073, MC 30073 Sub 1, MC 30073 Sub 2, MC 30073 Sub 3, MC 30073 Sub 5, MC 30073 10, and MC 30073 Sub 15, issued May 13, 1942, July 14, 1947, November 22, 1941, August 15, 1942, May 8, 1947, July 24, 1952, and May 14, 1954, respectively, to Johnson Freight Lines, Inc., Nashville, Tenn., authorizing the transportation of: *General commodities*, with the usual exceptions, between specified points in Tennessee, Georgia, Ohio and Kentucky. A. O. Buck, 434 Stahlman Bldg., Nashville, Tenn., for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7982; Filed, Sept. 23, 1959;
8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 367]

SECRETARY OF DEFENSE

Delegation of Authority

SEPTEMBER 18, 1959.

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of North Shore Gas Company for Increase in Gas Rates, Docket No. 46186, before the Illinois Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective August 14, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-8000; Filed, Sept. 23, 1959;
8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SUSANNE MERTON KRAFT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Susanna Merton Kraft, Heidelberg, Germany; \$324.75 in the Treasury of the United States.

Vesting Order No. 5058; Claim No. 63606.

Executed at Washington, D.C., on September 16, 1959.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 59-7987; Filed, Sept. 23, 1959;
8:49 a.m.]

No. 187—4

Office of the Attorney General

[Order 190-59]

DEPUTY ATTORNEY GENERAL

Authorization To Appoint Assistant United States Attorneys and Other Attorneys To Assist United States Attorneys, and To Fix Their Salaries

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and by section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), the Deputy Attorney General is hereby authorized to exercise the power and authority vested in the Attorney General by law to appoint Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires, and to fix their salaries.

WILLIAM P. ROGERS,
Attorney General.

SEPTEMBER 15, 1959.

[F.R. Doc. 59-7988; Filed, Sept. 23, 1959;
8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2, *The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 22, 1959

S. 1473.....Public Law 86-347
An Act to repeal the Act of May 27, 1912, which authorized and directed the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Massachusetts.

S. 2362.....Public Law 86-348
An Act to authorize the Secretary of the Army to convey to the city of Arlington, Oregon, certain lands at the John Day lock and dam project.

S. 2517.....Public Law 86-349
An Act to amend section 7 of the Federal Home Loan Bank Act, as amended.

S. 2655.....Public Law 86-350
An Act to authorize the Secretary of the Army to credit equipment installation costs against rental under lease to Union Township of La Porte County, Indiana.

H.J. Res. 310.....Public Law 86-351
Joint Resolution to authorize the designation of the period of October 17 to October 24, 1959, as National Olympic Week.

H.J. Res. 317.....Public Law 86-352
Joint Resolution to change the designation of Child Health Day from May 1 to the first Monday in October of each year.

H.R. 2390.....Public Law 86-353
An Act for the relief of the city of Madeira Beach, Florida.

H.R. 2449.....Public Law 86-355
An Act to authorize the Secretary of the Army to lease a portion of Twin Cities Arsenal, Minnesota, to Independent School District Numbered 16, Minnesota.

H.R. 3030.....Public Law 86-356
An Act to amend the Act entitled "An Act to authorize the establishment of a band in the Metropolitan Police force" so as to provide retirement compensation for the present director of said band after ten or more years of service.

H.R. 4279.....Public Law 86-357
An Act to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, La Feria division.

H.R. 4938.....Public Law 86-358
An Act to amend the Agricultural Adjustment Act of 1938 to extend for two years the definition of "peanuts" which is now in effect.

H.R. 5004.....Public Law 86-359
An Act authorizing and directing the Secretary of the Interior to undertake continuing research on the biology fluctuations, status, and statistics of the migratory marine species of game fish of the United States and contiguous waters.

H.R. 5067.....Public Law 86-360
An Act to repeal section 217 of the Merchant Marine Act, 1936, as amended.

H.R. 5431.....Public Law 86-361
An Act to provide a further increase in the retired pay of certain members of the former Lighthouse Service.

H.R. 5752.....Public Law 86-362
An Act to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

H.R. 5896.....Public Law 86-363
An Act to provide for the entry of certain relatives of United States citizens and lawfully resident aliens.

H.R. 6067.....Public Law 86-364
An Act to amend section 4544 of the Revised Statutes of the United States to provide that, if the money and effects of a deceased seaman paid or delivered to a district court do not exceed in value the sum of \$1,500, such court may pay and deliver such money and effects to certain persons other than the legal personal representative of the deceased seaman.

H.R. 7476.....Public Law 86-365
An Act to extend the duration of the Federal air pollution control law, and for other purposes.

H.R. 7979.....Public Law 86-366
An Act to waive section 142, of title 28, United States Code, with respect to the United States District Court for the Eastern District of Oklahoma holding Court at Durant, Oklahoma.

H.R. 8305.....Public Law 86-354
An Act to amend the Federal Credit Union Act.

H.R. 8599.....Public Law 86-367
An Act to amend the Small Business Act, and for other purposes.

H.R. 8685.....Public Law 86-368
An Act to amend the Internal Revenue Code of 1954 to provide for the Presidential appointment of a Chief Counsel for the Internal Revenue Service, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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